

### REMARKS

Applicant has carefully reviewed the final office action mailed March 27, 2006 and offers the following remarks in light of the present amendments.

Applicant wishes to thank the Examiner for indicating the allowability of claims 7 and 24 and reserves the right to rewrite claims 7 and 24 in independent form.

Applicant has amended claim 1 to correct antecedent basis. No new matter has been added.

If the Examiner believes after reading the present response that the application is not in condition for allowance, Applicant respectfully requests an interview pursuant to MPEP §713.09 and proposes that this response be used as a starting point for the interview in order to meet the purpose and content of the interview requirements of MPEP §713.09. Applicant believes that the amendments made in its February 27, 2006 response to the non-final office action are supported by the Specification and distinguish over the prior art such that the application is in condition for allowance with only nominal further consideration. As today's response serves as the purpose and content of the proposed interview, Applicant may repeat arguments made in previous responses so that Applicant's arguments are in one document for the Examiner's convenience.

The Specification was objected to under 37 C.F.R. § 1.71 because the Specification as originally filed does not provide support for the invention as now claimed. Specifically, the Examiner has alleged there is no basis in the Specification for Applicant's newly added language "over the first network". The Examiner notes that "wireless environment" is supported if this term can be substituted for the same meaning.

Claims 1 and 18 recite that the request for the information, the sending of a pointer identifying a location where the requested information is located, and the access of information associated with the pointer are all provided over the same network. While the term "over a first network" is not specifically found in the Specification, it is clear from Figure 1 and paragraphs 0014-0016, read in conjunction with the entire Specification by one of ordinary skill in the art, that a single communication network is disclosed for receiving a request for information, sending a pointer identifying a location where the requested information is located, and accessing information associated with the pointer. The Federal Circuit has long held that the written description need not provide *ipsis verbis* support of claim terms. *In re Alton*, 76 F.3d 1168, 1175 (Fed. Cir., 1996) ("If, on the other hand, the specification contains a description of the claimed

invention, albeit not in *ipsis verbis* (in the identical words), then the examiner . . . must provide reasons why one of ordinary skill in the art would not consider the description sufficient.”); *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1571-72 (Fed. Cir. 1997) (the exact terms need not be used in *haec verba* as long as the specification contains an equivalent description of the claimed subject matter). Applicant respectfully submits that the Specification as a whole, and particularly Figure 1 and paragraphs 0014-0016 of the Specification, adequately describe the claimed invention even though it does not use the exact term “the first network.”

Applicant points the Examiner to Figure 1, which shows a communication network 12. In addition, paragraph 0014 describes Figure 1 as showing an exemplary communication environment 10 being centered about a communication network 12, which facilitates information requests from a telephony terminal 14 to an information services system 16 (Specification, paragraph 0014, p. 4, lines 4-8, *emphasis added*). The Examiner states that a “wireless environment” is supported on page 4, line 24. However, paragraph 0015 discloses that the communication network used to carry out the claimed invention may be a packet-based network (e.g., a voice-over-IP network), a wireline network (e.g., PSTN), or a wireless network (e.g., cellular network or WLAN). Thus, the Specification supports more than just a wireless environment. It is clear from Figure 1 and the accompanying description that the inventive method and system is accomplished by carrying out the steps of the claimed invention over the same, or first, network. Therefore, the language “over a first network” is supported by the Specification, and Applicant respectfully requests that the objection be withdrawn.

Claims 1, 2, 4, 6, 8, 14, 16-19, 21, 23, 25, 29, 31, 33, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sakata. Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is taught in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. Anticipation is a strict standard, and the Patent Office has not satisfied its burden in the present application.

Claim 1 recites a method for facilitating delivery of requested information to a user comprising:

- receiving a request for information from the user over a first network;
- sending to a telephony terminal a pointer, which identifies a location where requested information responsive to the request is located via the first network; and

accessing the requested information in response to the request and storing the requested information at the location associated with the pointer,

wherein the pointer is used by the telephony terminal to access the requested information via the first network.

Claim 18 is directed to a system comprising a control system for carrying out the method of claim 1, and therefore contains similar limitations as claim 1. Claims 1 and 18 recite that the request for the information, the sending of a pointer identifying a location where the requested information is located, and the access of information associated with the pointer are all provided over the same network. Notably, Sakata fails to disclose a system where the request for the pointer, the pointer itself, and the information associated with the pointer are all delivered over the same network. As such, claims 1, 2, 4, 6, 8, 14, 16-19, 21, 23, 25, 29, 31, 33, and 34 define patentable subject matter.

In particular, Sakata provides a mobile terminal, which will request a pointer from a billboard via a Radio Frequency Identification (RFID) interface and receive the pointer via the RFID interface. Notably, the request sent by the mobile terminal in Sakata is a specific request for the pointer, and not the actual information which is associated with the pointer. In contrast, the claimed invention requests the information, and in response, is provided a pointer for which the information can be retrieved.

Once the mobile terminal in Sakata retrieves the pointer from the billboard via the RFID interface, the pointer is used to access the information associated with the pointer through a different interface. In effect, different communication networks are used to obtain and ultimately use the pointer.

As such, there are two key differences between the presently claimed invention and Sakata. First, different networks are used to obtain and use the pointer in Sakata, whereas the same network is used in the claimed invention. Second, the claimed invention provides a request for information, not the pointer. A pointer is returned, such that the location can be ultimately accessed via the same network. In Sakata, a pointer is requested. Given the strict standards for anticipation, Sakata fails to anticipate independent claims 1 and 18 and the corresponding dependent claims. Withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

The Examiner has failed to provide any basis for alleging that Sakata teaches a method where the request for the information, the sending of a pointer identifying a location where the requested information is located, and the access of information associated with the pointer are all provided over the same network. In the Final Office Action, the Examiner notes that Sakata's apparatus operates in a wireless environment as disclosed in Figure 2, where it is disclosed that "information request power feed via radio wave." (Final Office Action mailed March 27, 2006, p. 2). However, just because this Sakata discloses a wireless environment does not mean that Sakata teaches a method where the request for the information, the sending of a pointer identifying a location where the requested information is located, and the access of information associated with the pointer are all provided over the same network. Since Sakata does not teach this limitation, Sakata does not anticipate claims 1 and 18.

Claims 1, 2, 4, 9-19, 21, and 25-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ljubicich or Vasa in view of Sakata. Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. For the Patent Office to combine references in an obviousness rejection, the Patent Office must prove there is a suggestion to combine the references. Also, the Patent Office is not allowed to extract isolated portions of the references; rather, the references must be considered in their entireties. MPEP § 2141.02. If the Patent Office cannot establish obviousness, the claims are allowable.

As indicated above, Sakata fails to disclose obtaining and using the pointer over the same network as well as providing a pointer in response to an information request. Sakata actually requests the pointer. The information associated with the pointer and the pointer itself cannot be construed as the same. Neither Ljubicich nor Vasa cure the deficiencies of Sakata, and as such, *prima facie* obviousness is not provided because each and every claim element cannot be found in either combination of references.

Even if these claim elements were present, there is no motivation to combine the references. For the Patent Office to combine references in an obviousness rejection, the Patent Office must prove there is a suggestion to combine the references. For the Patent Office to prove that there is a suggestion to combine the references, the Patent Office must do two things. First, the Patent Office must state a motivation to combine the references, and second, the Patent

Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). If the Patent Office cannot establish obviousness, the claims are allowable.

A detailed analysis of Vasa reveals its failings. Vasa simply provides a system where a mobile terminal can request information associated with a directory number. When a request is made, the requested information is returned. A pointer to the requested information is not returned. There is no need for a pointer in Vasa, as the information is directly provided in response to the request. As such, Vasa fails to provide the missing elements of Sakata. Further, there is no actual evidence to show the requisite motivation to combine Vasa with Sakata to arrive at the claimed invention. Accordingly, the combination of Vasa and Sakata cannot be combined due to lack of motivation and the combination fails to disclose every element in independent claims 1 and 18. The corresponding dependent claims further define the patentable subject matter of claims 1 and 18.

Ljubicich provides a system where a caller can obtain an access number for a party who has an unpublished number. The access number can be used to call the party whose number is unpublished without divulging the actual number of the party. In no way can the access number of Ljubicich, which is effectively an alternative directory number, be construed as a pointer as claimed in the present invention. Such a stretch is unwarranted. Further, making a call using the access number cannot be construed as obtaining information associated with a pointer. Ljubicich is directed to a completely different field of endeavor and is simply trying to maintain anonymity of parties wishing to have their actual directory numbers remain unpublished. Not only is Ljubicich not pertinent to any aspect of the claimed invention, the different focuses of Ljubicich and Sakata would not lead one of ordinary skill in the art to combine these references to arrive at the claimed invention. Again, elements of claims 1 and 18 are missing from Ljubicich and Sakata. There is no actual evidence supporting a motivation to combine these references to arrive at the claimed invention. Independent claims 1 and 18 define patentable subject matter wherein the corresponding dependent claims further limit claims 1 and 18.

Claims 2 and 19 deserve special mention. In particular, the Patent Office has asserted that Sakata discloses a portable terminal, which can make a call to obtain the pointer in order to access the Internet website. Simply being able to make a call does not disclose the specific claim requirement of receiving the request for information via a call. The teachings of Ljubicich and Vasa fail to remedy these further deficiencies of Sakata. As such, claims 1, 2, 4, 9-19, 21, and

25-34 define patentable subject matter over Ljubicich or Vasa in view of Sakata. Further, all pending claims define patentable subject matter.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding an interview to resolve any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

*John R. Witcher, III*

John R. Witcher, III  
Registration No. 39,877  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: May 26, 2006  
Attorney Docket: 7000-287

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Smith, Creighton H.</u> Art Unit: <u>2614</u> Fax: <u>571-273-8300</u>	
<u>Michelle Heymann</u> Name of Sender	
<u>Michelle Heymann</u> Signature	
<u>5-26-06</u> Date of Transmission	